



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2015-31

LEGISTAR: #20150813

LANDOWNERS: Capital Mortgage Corporation
First Financial Funding, Inc.
Prime Lending, Inc.
102 Hammond Drive
Atlanta, GA 30328

APPLICANT: Jerusalem Restaurant & Bakery
585 Franklin Road Ste 160
Marietta, GA 30067

AGENT: n/a

PROPERTY ADDRESS: 1175 Franklin Road

PARCEL DESCRIPTION: 17 07260 0120

AREA: 1.24 acres **COUNCIL WARD:** 7A

EXISTING ZONING: LI (Light Industrial)

REQUEST: CRC (Community Retail Commercial)

FUTURE LAND USE: RAC (Regional Activity Center)

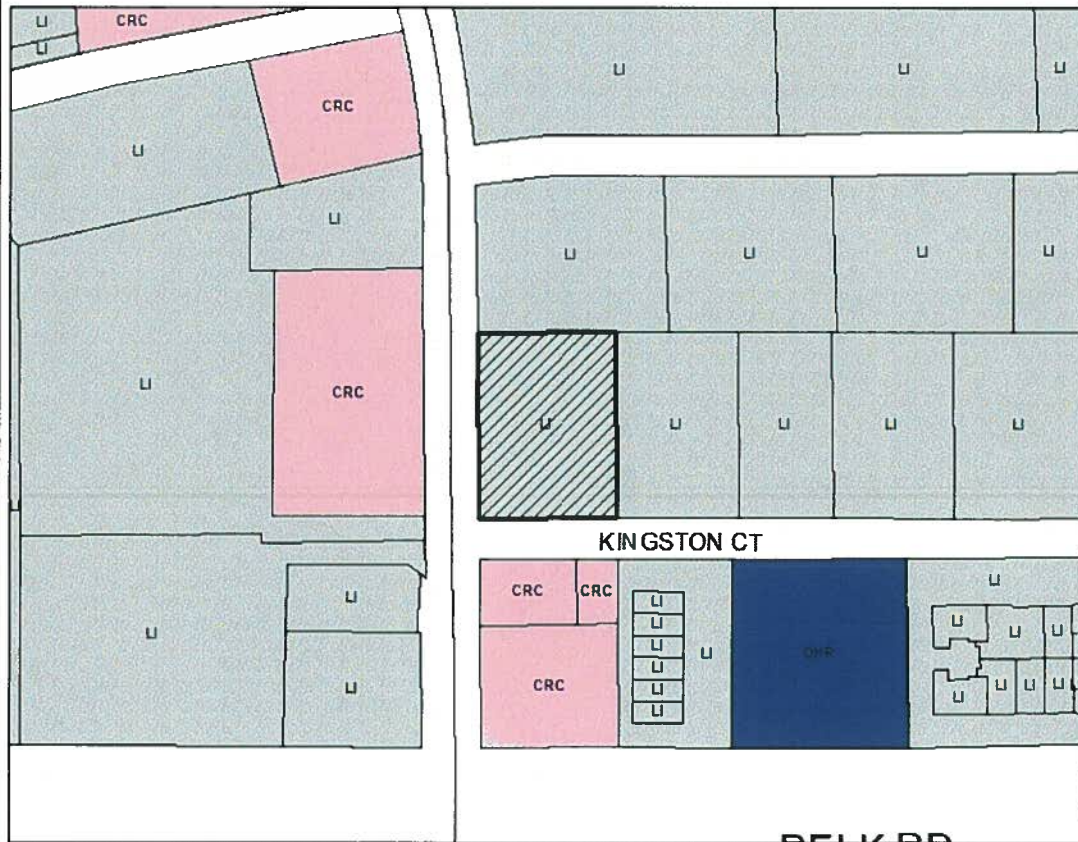
REASON FOR REQUEST: The applicant is requesting the rezoning of this property from LI to CRC to use the facility as a restaurant and bakery.

PLANNING COMMISSION HEARING: Tuesday, October 6th, 2015 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, October 14th, 2015 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map



Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL S-1 One Unit/Acre S-2 Two Units/Acre S-3 Three Units/Acre S-4 Four Units/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Units/Acre RA-5 Six Units/Acre RA-6 Eight Units/Acre PUD(SF) Planned Residential Dev. MSP Mobile Home Park MULTI FAMILY RESIDENTIAL RM-6 Eight Units/Acre RM-10 Ten Units/Acre RM-12 Twelve Units/Acre RH Residential High Rise PUD(MF) Planned Residential Dev.		17	07260	0120	LI	CRC
COMMERCIAL NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MIXD Mixed-Use Dev. OIT Office Institutional Trans. LHO Low-Rise Office OH Office Institutional OS Office Services OHS Office High-Rise INDUSTRIAL LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.						

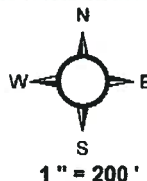
Comments:

1175 Franklin Rd

Date:

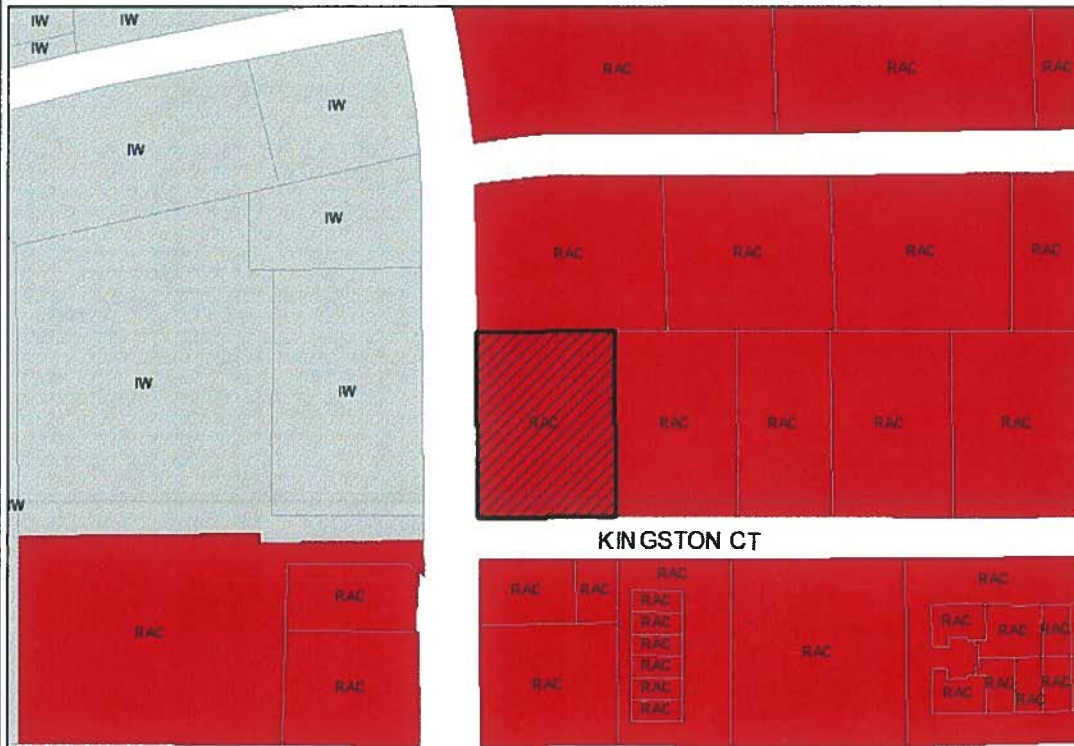
8/27/15

Planning & Zoning
Department

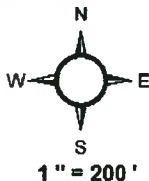



FLU MAP

City of Marietta Area FLU Map



Future Land Use		District	Land Lot	Parcel	Current FLU	Proposed FLU
LDR	Low Density Residential	17	07260	0120	RAC	N/A
MDR	Medium Density Residential					
HDR	High Density Residential					
KAC	Neighborhood Activity					
CAC	Community Activity Center					
RAC	Regional Activity Center					
CRD	Central Business District					
IM	Industrial - Manufacturing					
IW	Industrial - Warehousing					
OSC	Open Space/Conservation					
PR	Parks & Recreation					
CSI	Community Service & Institutional					
TCU	Transportation, Communication & Utilities					
MXD	Mixed Use					

Comments: 1175 Franklin Rd			
Date: 8/27/2015	Planning & Zoning Department		

PICTURES OF PROPERTY



Facing southwest of subject property



Facing northwest of subject property

STAFF ANALYSIS

Location Compatibility

The applicant, Jerusalem Restaurant & Bakery, is requesting to rezone the 1.28 acre property located at 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial) in order to use the subject property as a restaurant, bakery, banquet, and small grocery component of the applicant's business. The existing property had previously been used as a multi-tenant space for automobile-oriented businesses.

The subject property has frontage along Franklin Road – a collector road and Kingston Court – a local road. Properties located to the north and east of the subject property are zoned LI. Properties located to the south and west (across Franklin Road) are zoned CRC.

Use Potential and Impacts

Historically, the subject property has been used for a variety of automobile-oriented businesses, as well as administrative office use for businesses ranging from consulting to auto brokerage. The surrounding properties are characterized as light industrial/warehousing or commercial multi-tenant buildings.

The applicant – Jerusalem Restaurant & Bakery – is currently located at 585 Franklin Road, but due to limited space the applicant wishes to relocate. The applicant would like to purchase the subject property and occupy the entire structure at 1175 Franklin Road. The northern portion of the structure is one-story and would be used for a restaurant/retail; and the southern portion of the structure is two-stories and would be as both restaurant/retail and banquet hall.

Because this property was originally developed in the late 1970s/early 1980s and altered during the 1990s, there are many aspects of the site that do not comply with current development regulations. Some of these issues include the lack of a 10' planted border with street trees along Franklin Road, insufficient or missing tree islands, metal as an exterior building material, a nonconforming pylon sign, no stormwater management, and access too close to an existing intersection. Typically, Section 706.03 allows the continuance of nonconforming structures as long as construction costs for repairs or alterations do not exceed either 50% or 75% of the existing building's replacement cost, depending whether the building's square footage is being expanded or sitework is being proposed. Staff is not aware of the amount proposed for the building's renovation; depending on the value, the site would possibly need to be brought up to code or a variance granted to allow the as-built conditions remain for a specified period of time.

There are currently 60 parking spaces provided on the site. The developed structure is a total of 17,760 square feet – the Restaurant is 3,000 square feet, Grocery/Bakery is 8,785 square feet, and Banquet is 5,975 square feet. According to the City's parking regulations, a banquet hall is calculated as a place of assembly which requires 1 space per 40 seats or 1 space per 40 square feet. A place of assembly is where persons regularly assemble for a common purpose. Jerusalem Restaurant & Bakery's banquet hall will only be occupied for private parties upon



request and its restaurant will operate the banquet hall and provide the services. According to the proposed use, the subject property will require a minimum 175.5 parking spaces, which includes the 10% parking reduction for having a public transit stop within 250 feet of the front door. As a result, a variance is needed to reduce the required parking from 175.5 parking spaces to 60 parking spaces.

The City's Comprehensive Plan has designated the Future Land Use (FLU) of the subject property as Regional Activity Center (RAC). The purpose of the FLU designation is to act as a guide for overall comprehensive planning within the community. According to the City's comprehensive plan, the RAC category shall allow a high intensity of development serving regional markets and trade areas. Although the proposed zoning is not listed as a compatible zoning, the proposed use and its location fits the RAC guidelines.

Environmental Impacts

Given that the subject property is currently developed, there will not be any substantial increase in the amount of impervious surface if any. This property does not lie in a floodplain and does not have any creeks running through the parcel.

Economic Functionality

The primary usage of the property has been mainly automobile-oriented businesses ranging from repairs, services, leasing and auto brokerage; therefore the use of the zoning has been lightly used compared to the other properties zoned LI. Many of the tenants using the property could have done so under a commercial zoning classification, so the intensity of the use will not change substantially. The subject property has never been fully occupied, and is currently vacant. Since the building has not been fully occupied, the owner of the subject property has been having trouble maintaining the property.

Infrastructure

The property is entirely within city limits and currently serviced by Marietta Board of Lights & Water. However, since there will be a different use of the building, it may have a different occupancy type classification for Fire safety purposes. There will be minimal impact to the traffic and transportation.

History of Property

There is no history of any variances, Special Land Use Permits, or rezonings associated with the property.

Other Issues

Due to the change in occupancy, the Fire Marshall will require structure to meet the regulations identified in Life Safety Code 101, 2012 edition with Georgia amendments.

ANALYSIS & CONCLUSION

The applicant, Jerusalem Restaurant & Bakery, is requesting to rezone the 1.28 acre property located at 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial) in order to use the subject property as a restaurant, bakery, banquet, and small grocery component of the applicant's business. The existing property had previously been used as a multi-tenant space for automobile-oriented businesses.

The subject property has frontage along Franklin Road – a collector road and Kingston Court – a local road. Properties located to the north and east of the subject property are zoned LI. Properties located to the south and west (across Franklin Road) are zoned CRC.

Historically, the subject property has been used for a variety of automobile-oriented businesses, as well as administrative office use for businesses ranging from consulting to auto brokerage. The surrounding properties are characterized as light industrial/warehousing or commercial multi-tenant buildings.

The applicant – Jerusalem Restaurant & Bakery – is currently located at 585 Franklin Road, but due to limited space the applicant wishes to relocate. The applicant would like to purchase the subject property and occupy the entire structure at 1175 Franklin Road. The northern portion of the structure is one-story and would be used for a restaurant/retail; and the southern portion of the structure is two-stories and would be used for both restaurant/retail and banquet hall. Based on the proposed use of the building, the property would require the following parking variance:

- Variance to reduce the required number of parking spaces from 175.5 to 60.

Many aspects of the site do not comply with current development regulations. Typically, Section 706.03 allows the continuance of nonconforming structures as long as construction costs for repairs or alterations do not exceed either 50% or 75% of the existing building's replacement cost, depending whether the building's square footage is being expanded or sitework is being proposed. Without knowing the amount proposed for the building's renovation, the site would possibly need to be brought up to code or a variance granted to allow the as-built conditions remain for a specified period of time.

The City's Comprehensive Plan has designated the Future Land Use (FLU) of the subject property as Regional Activity Center (RAC). The purpose of the FLU designation is to act as a guide for overall comprehensive planning within the community. According to the City's comprehensive plan, the RAC category shall allow a high intensity of development serving regional markets and trade areas. Although the proposed zoning is not listed as a compatible zoning, the proposed use and its location fits the RAC guidelines.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	---
Size of the water line?	8 inch
Capacity of the water line?	Variable based on condition of main
Approximate water usage by proposed use?	Unknown – need additional data

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	---
Size of the sewer line?	10 inch
Capacity of the sewer line?	Variable
Estimated waste generated by proposed development?	Unknown – need additional data
Treatment Plant Name?	R.L. Sutton WRF
Treatment Plant Capacity?	Cobb Water must confirm
Future Plant Availability?	Cobb Water must confirm

COMMENT –

Sewer development fees may apply depending upon final design/ usage of building.
Contact Kim Holland 770-794-5227 or kholland@mariettaga.gov for an estimate.



DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	_____
What percentage of the property is in a floodplain?	_____
What is the drainage basin for the property?	_____
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	_____
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	_____
Are there other topographical concerns on the parcel?	---
Are the storm water issues related to the application?	---
Potential presence of endangered species in the area?	_____

Transportation

What is the road effected by the proposed change?	_____
What is the classification of the road?	_____
What is the traffic count for the road?	_____
Estimated number of cars generated by the proposed development?	---
Estimated number of trips generated by the proposed development?	---
Do sidewalks exist in the area?	_____
Transportation improvements in the area?	_____
If yes, what are they?	_____

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DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	City Station #55 – 1160 Franklin Road
Distance of the nearest station?	250 ft.
Most likely station for 1 st response?	City Station #55 – 1160 Franklin Road
Service burdens at the nearest city fire station (under, at, or above capacity)?	N/A

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes x No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments:



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440
Brian Binzer, AICP, Director

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)

Application #: 22015-31 Registrar #: 20150813
Planning Commission Hearing: October 6, 2015 City Council Hearing: October 14, 2015 P215-399

Ron Lipsitz

Owner's Name Capital Mortgage Corporation/First Financial Funding, Inc./ Email Address: ron@rrcga.com
Prime Lending, Inc.

Mailing Address 102 Hammond Drive, Atlanta, GA Zip Code: 30328 Telephone Number 404-252-7070

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Jerusalem Restaurant & Bakery

Mailing Address 585 Franklin Road, Marietta, GA Zip Code: 30067

Telephone Number 678-755-8543 Email Address: tkaimairi@gmail.com

Address of property to be rezoned: 1175 Franklin Road, Marietta, GA 30067

Land Lot (s) 726 District 17th Parcel P91200599 Acreage 1.24 Ward 7 Future Land Use: CAC

Present Zoning Classification: LI Proposed Zoning Classification: CRC

REQUIRED INFORMATION

Applicant must submit the following information by 4:00 p.m. on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. **ALL** rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk. **The original application must be submitted with ALL original signatures - Copies of the application or signature(s) will NOT be accepted.**
2. Legal Description. Legal description must be in a WORD DOCUMENT.
3. Application fee (\$500)
4. Copy of the deed that reflects the current owner(s) of the property.
5. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
6. Plat/survey showing the dimensions, acreage, location of the tract(s) and utility easements prepared by an architect, engineer (P.E. or Civil Engineer), landscape architect or land surveyor whose state registration is current and valid and whose seal shall be affixed to the plat/survey.
7. Site plan (25 copies, drawn to scale) prepared by an architect, engineer, (P.E. or Civil Engineer), whose state registration is current and valid, showing the following:
 - One copy scaled to an 8 1/2" X 11" size
 - Specific use or uses proposed for the site
 - Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area
 - Detention/retention areas
 - Public or private street(s) - right of way and roadway widths, approximate grades
 - Location and size of parking area with proposed ingress and egress
 - Specific types and dimensions of protective measures, such as buffers
 - Landscaping
 - Wetlands and 100 year floodplain
8. A detailed written description of the proposed development / project must be submitted with the rezoning application.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

August 25, 2015

VIA HAND DELIVERY:

Mr. Russell J. Roth, AICP
Planning & Zoning Manager
City of Marietta
Department of Development Services
205 Lawrence Street
Marietta, GA 30060

Re: Application of Jerusalem Restaurant & Bakery to Rezone a 1.24 acre tract from
LI to CRC - Land Lot 726, 17th District, 2nd Section, City of Marietta, Georgia

Dear Rusty:

As you know, this firm has been engaged by and represents Jerusalem Restaurant & Bakery ("JRB") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the City's Planning Commission on October 6, 2015 and, thereafter, will be heard and considered for final action by the City of Marietta Mayor and City Council on October 14, 2015.

The property at issue consists of a 1.24 acre tract of land located on the east side of Franklin Road north of Kingston Court (1175 Franklin Road). The property is zoned Light Industrial ("LI") and is proposed to be utilized for purposes of a restaurant, bakery and related uses including a small grocery component under the Community Retail Commercial ("CRC") zoning classification. The subject property is located within the confines of an area which is denominated as a Regional Activity Center ("RAC") on the City's Future Land Use Map.

Specifically, JRB is proposing utilization of the existing building and will rehab and retrofit same. The proposal is, of course, consistent with the underlying intent and purpose of the City's Future Land Use Map and Comprehensive Land Use Plan which reflect that the subject property is located within a RAC which contemplates the type of uses sought for the site. The owners of the subject property, Capital Mortgage Corporation/First Financial Funding Inc./Prime Equity Lending, has requested that, in the event that JRB does not close on the subject property that the property revert to its original zoning classification of LI.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY:

Mr. Russell J. Roth, AICP
Planning & Zoning Manager
City of Marietta
Department of Development Services
August 25, 2015
Page 2

For all of the reasons stated hereinabove and with all of the information and documentation which is before you, we respectfully request that the Application for Rezoning be approved. Of course, during the pendency of the Application, I will be providing you and your staff with a comprehensive letter of agreeable stipulations/conditions which shall become a part of the grant of the requested Rezoning and binding upon the subject property thereafter. In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to be "G. Sams, Jr.", enclosed within a large, loopy oval shape.

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/klk

cc: Mr. Tariq Alquimary (via email)

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: September 18, 2015

**PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, CODE AMENDMENTS, AND
VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held on the following rezonings and code amendment by the Planning Commission on **Tuesday, October 6, 2015, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, October 14, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY requesting rezoning for property located in Land Lot 726, District 17, Parcel 0120, 2nd Section, Cobb County, Georgia, and being known as 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7A.

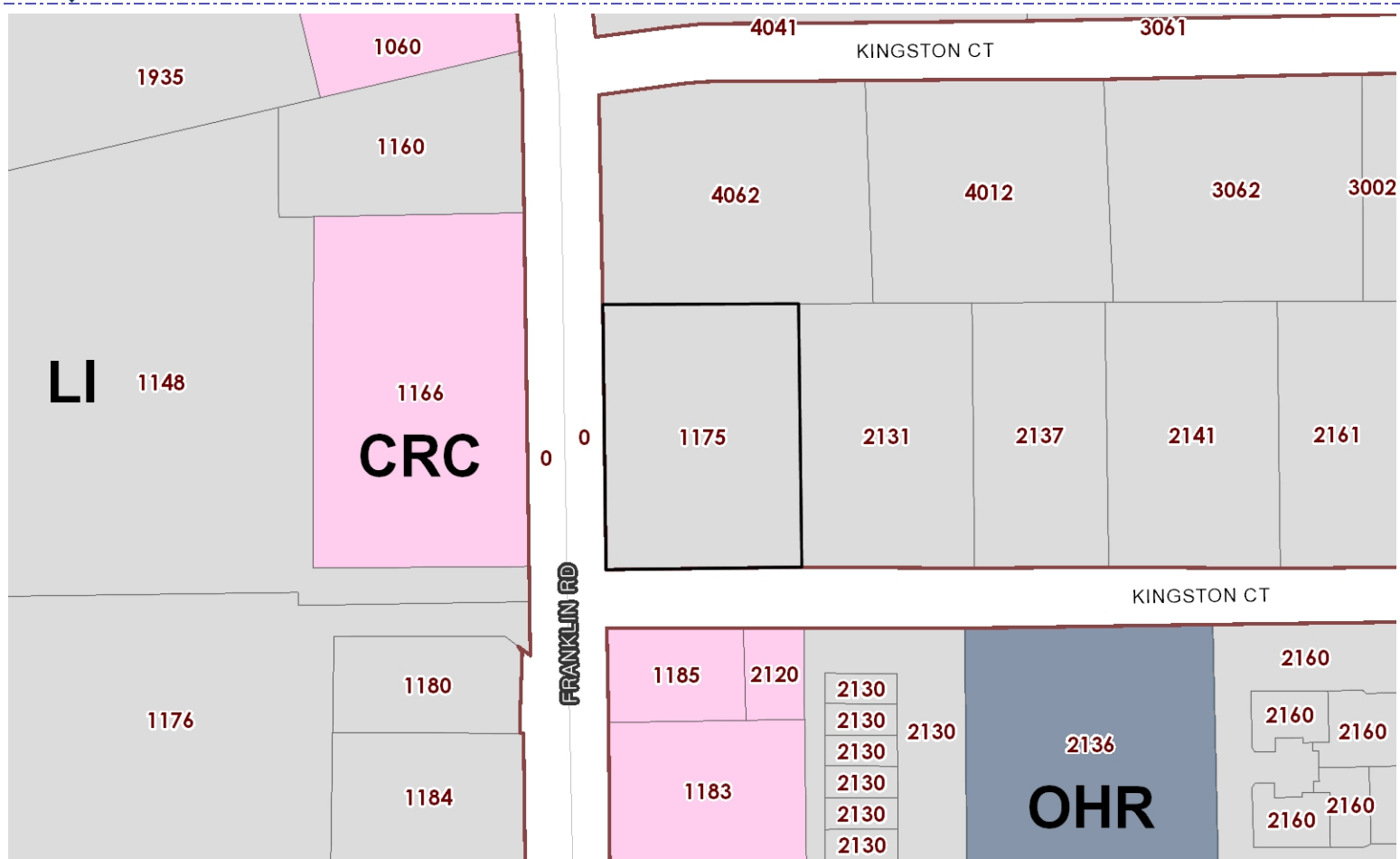
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

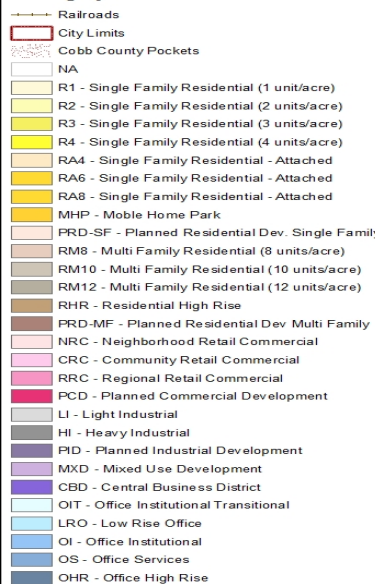
For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

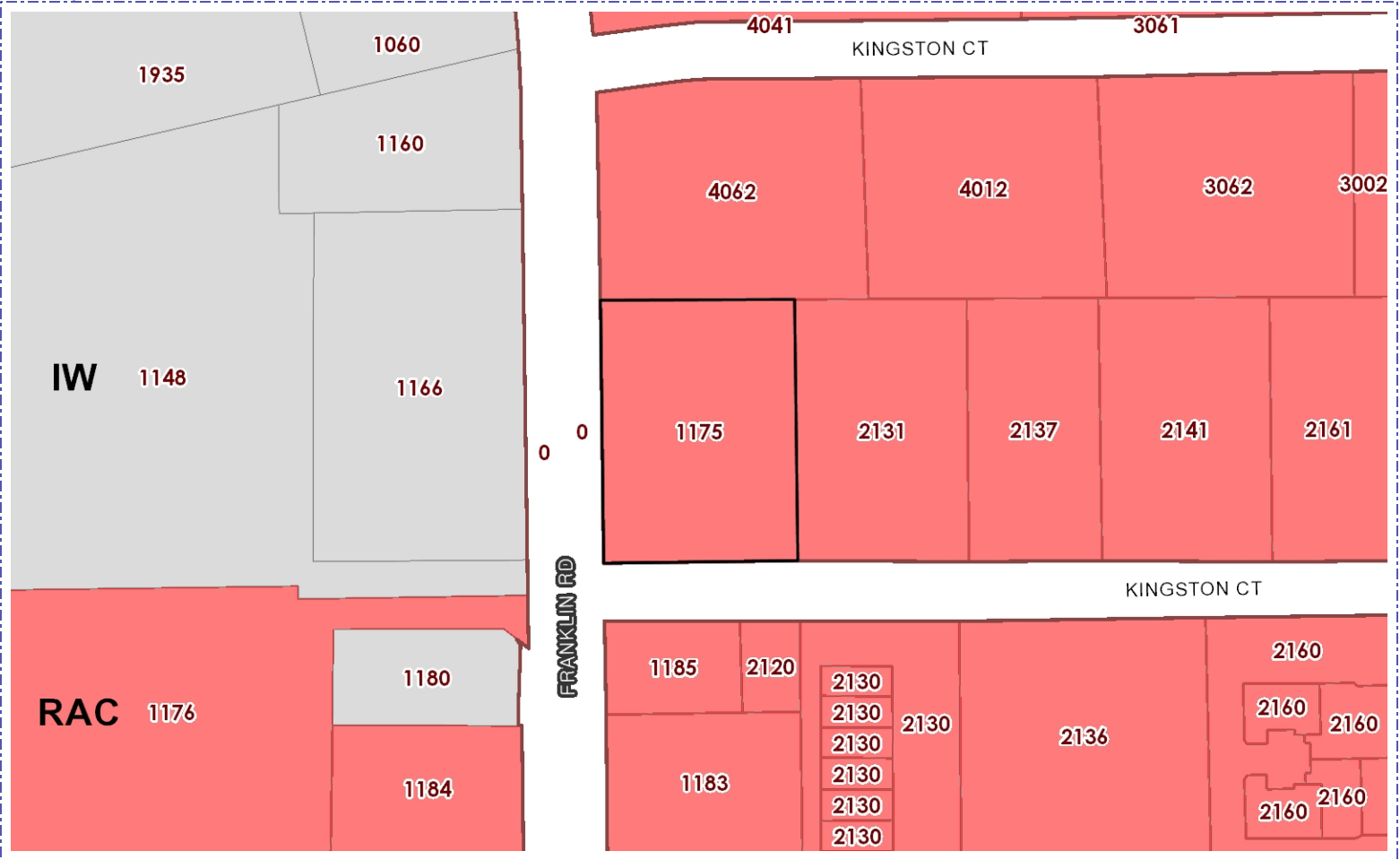
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060


















Rezoning



Address		Parcel Number	Acreage	Ward	Zoning	FLU
1175 FRANKLIN RD		17072600120	1.28	7A	LI	RAC
Property Owner:		Capital Mortgage			Zoning Symbols 	
Applicant:		Jerusalem Restaurant & Bakery				
Proposed Zoning:		LI to CRC				
Agent:						
Proposed Use:						
Planning Commission Date:		10/06/2015				
City Council Hearing Date:		10/14/2015		Case Number: Z2015-31		
City of Marietta Planning & Zoning						

Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1175 FRANKLIN RD	17072600120	1.28	7A	LI	RAC
Planning Commission Hearing Date:	10/06/2015	<div>Future Land Use Symbols</div> <div><div> Railroads</div><div> City Limits</div><div> Cobb County Pockets</div><div> RAC - Regional Activity Center</div><div> CAC - Community Activity Center</div><div> NAC - Neighborhood Activity Center</div><div> CBD - Central Business District</div><div> MXD - Mixed Use Development</div><div> CSI - Community Service and Institutional</div><div> HDR - High Density Residential</div><div> MDR - Medium Density Residential</div><div> LDR - Low Density Residential</div><div> OSC - Open Space / Conservation</div><div> PR - Parks / Recreation</div><div> IW - Industrial Warehousing</div><div> IM - Industrial Manufacturing</div><div> TCU - Transportation and Utilities</div></div>			
City Council Hearing Date:	10/14/2015				
Future Land Use:	CAC				
Case Number:					
Comments:					
City of Marietta Planning & Zoning					



Address		Parcel Number	Acreage	Ward	Zoning	FLU
1175 FRANKLIN RD		17072600120	1.28	7A	LI	RAC
Property Owner:	Capital Mortgage				<div>Legend</div> <div><div></div> Railroads</div> <div><div></div> City Limits</div> <div><div></div> Cobb County Pockets</div>	
Applicant:	Jerusalem Restaurant & Bakery					
City Council Hearing Date: 10/14/2015						
Planning Commission Hearing Date:	10/06/2015					
BZA Hearing Date:	Case Number: Z2015-31					
Comments:						
City of Marietta Planning & Zoning						

Rezoning Plat

1175 Franklin Road

City of Marietta, Georgia Land Lot 726, 17th District, 2nd Section

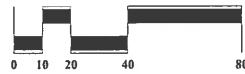
prepared for:
Capital Mortgage Corporation
1175 Franklin Road
Marietta, Georgia 30064



DGM
LAND PLANNING
CONSULTANTS



975 Cass Place
Buna, SC 29512
KENNESAW
GA 30144
770 514-9006
Fax 514-9491



Scale: 1" = 20'
August 20, 2015



Site Data

Total Site Area: 1.24 AC

Existing Zoning: LI

Proposed Zoning: CRC

Proposed Building Setbacks:

front: 35'

side: 15'

rear: 35'

Parking Requirements:

restaurant (3,000 SF) 1 space/175 SF = 17

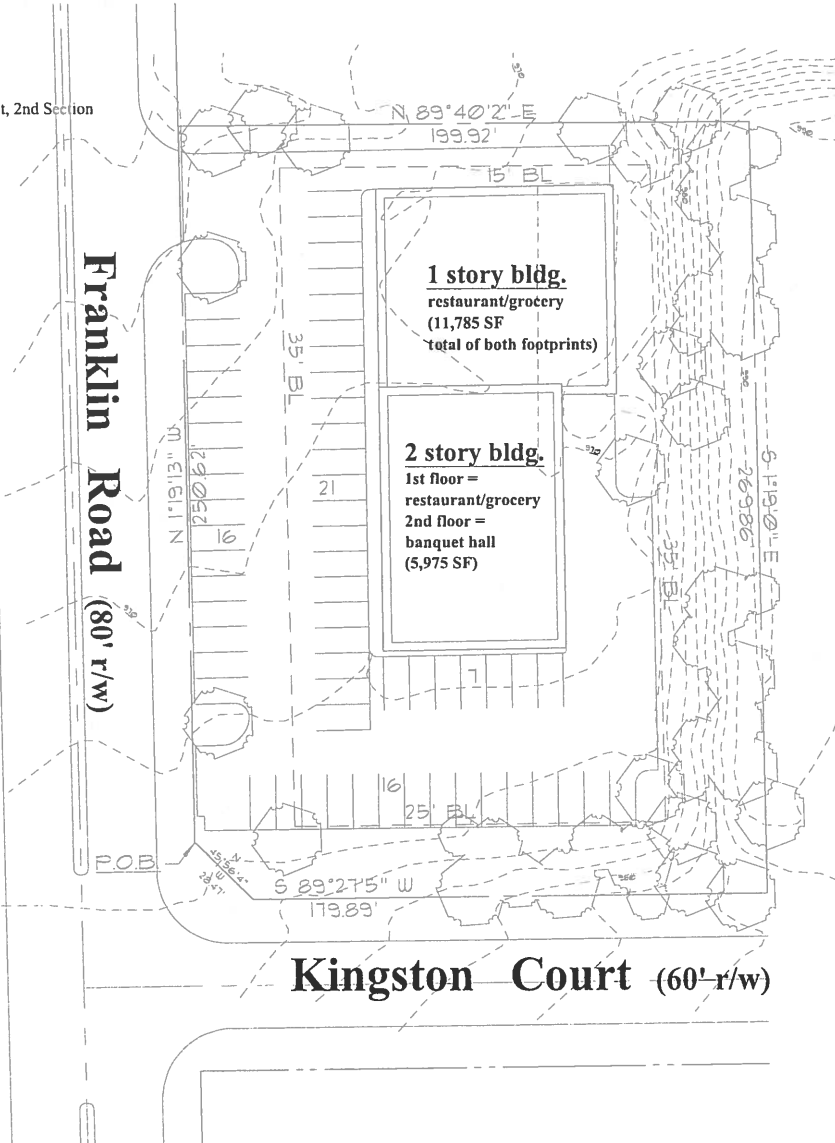
grocery (8,785 SF) 1 space/250 SF = 35

banquet hall (5,975 SF) 1 space/175 SF = 34

shared parking: 60 total spaces provided

Franklin Road (80' r/w)

Kingston Court (60' r/w)



Notes:

1. Boundary from deed dated October 4, 2011.
2. According to Flood Insurance Rate Map (FIRM) 1306-7C0134G, no portion of this site contains floodplain.
3. No easements are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archaeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.